

RECEIVED
CENTRAL FAX CENTER

JAN 19 2005

Barristers & Solicitors
Patent & Trade-mark AgentsMcCarthy Tétrault LLP
Box 48, Suite 4700
Toronto, Dominion Bank Tower
Toronto, ON M5K 1E6
Canada

McCarthy Tétrault

Facsimile

22 Total number of pages including cover sheet.

January 19, 2005
CM# 123081-339590
TKID: 8913If you have any problems receiving this
transmission, please telephone:
Central Fax Services at 416 601-7503

Original placed on file

Name:	Firm:	Telephone:	Fax:
To: U. S. Patent Office	U.S. Patent Office	703-305-7357	703-872-9306
From: Robert H. Nakano		416-601-7852	416-601-8451

United States Patent and Trademark Office
2011 South Clark Place, Mail Stop Amendment
Arlington, Virginia 22313-1450
Attention: Examiner PHILPOTT, Justin M

Message:

United States Patent Application No. 09/558,589

Title: Non-Disruptive Monitoring of Traffic Flows in a
Connection-Oriented Packet Network

Inventors: YOUNES, Amro; et al.

Filing Date: April 26, 2000

Art Unit: 2665

Our Ref No: 123081-339590 (T01215-0014-US-01)

Please see the attached communication, including:

(1) Petition for Extension of Time Request (PTO/SB/122)	(4) Transmittal Form PTO/SB/21
(2) Notice of Change of Representative, including PTO/SB/122 (3 sheets)	(5) Certificate of Transmission by Facsimile
(3) Fee Transmittal Form (PTO/SB/17)	(6) Response to Office Action (14 pages)

Please see the attached communication

Certificate of Transmission:

Pursuant to 37 C.F.R. 1.8, I certify that the following correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office at telephone number (703) 872-9306 on January 19, 2005.

Signature: 

Name: Edward Ean

Date: January 19, 2005

BEST AVAILABLE COPY

McCarthy Tétrault LLP TDO-RED #8258846 v. 1

This facsimile may be confidential and contain privileged information. If the reader of this facsimile is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this facsimile in error, and that any review, dissemination, distribution or copying of it is strictly prohibited. If you are not the intended recipient, please notify us by telephone (call us collect) and return this facsimile to us by mail. Thank you for your cooperation.

If you experience problems in receiving, please call 416 601-7503.

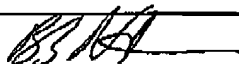
PTO/SB/21 (34-04)


Approved for use through 07/31/2006. OM18 0551-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/588,539	
	Filing Date	April 26, 2000	
	First Named Inventor	YOUNES, Amro et al	
	Art Unit	2665	
	Examiner Name	PHILPOTT, Justin M.	
Total Number of Pages in This Submission	21	Attorney Docket Number	T01215-0014-US (123081-339590)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	- Notice of Change of Correspondence Address
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	- Form PTO/SB/122
<input type="checkbox"/> Certified Copy of Priority Document(s)		- Certificate of Transmission by Facsimile
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	McCarthy TTrault LLP (Cust. No. 27,155) Robert H. Nakano (Reg. No. 46,498)
Signature	
Date	January 19, 2005

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the			
Typed or printed name	Edward T. Egan		
Signature		Date	January 19, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

Doc Code:

PTO/SB/17 (12-04v3)

Approved for use through 07/31/2006. OMB 0851-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL for FY 2005		Application Number	09/558,589
		Filing Date	April 26, 2000
		First Named Inventor	YOUNES, Amro
		Examiner Name	PHILPOTT, Justin
		Art Unit	2665
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	123081-339590 (T01215-0014-US-1)
TOTAL AMOUNT OF PAYMENT (\$)		\$550.00	

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Deposit Account Number: 15-0633 Deposit Account Name: McCarthy Tétrault LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	600	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEESFee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180
Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)

Total Claims Extra Claims Fee (\$) Fee Paid (\$)
 - 20 or HP = 7 x \$50.00 = \$350.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)
 - 3 or HP = 1 x \$200.00 = \$200.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)
 - 100 = _____ / 50 _____ (round up to a whole) x \$250.00 = \$0.00

4. OTHER FEE(S)

Non-English specification. \$130 fee (no small entity discount)

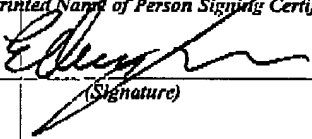
Other (e.g. late filing surcharge): _____

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	46,498	Telephone	416-601-7852
Name (Print/Type)	Robert H. Nakano		Date	January 19, 2005	

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 123081-339590
Applicant(s): YOUNES, Amro et al			
Application No. 09/588,589	Filing Date April 26, 2000	Examiner PHILPOTT, Justin M.	Group Art Unit 2665
Invention: Non-Disruptive Monitoring of Traffic Flows in a Connection-Oriented Packet Network			
<p>I hereby certify that this <u>Response to the OA; Petition for Extension of Time; Notice of Change of Address</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>January 19, 2005</u> (Date)</p> <p style="text-align: right;">Edward Fan (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

P18/REV02

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.